



Docket Number 03 PATENT

28viii05

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

|                |   |           |                    |
|----------------|---|-----------|--------------------|
| Applicant:     | Michael A. Burleson                                 | Date:     | 28 August 2005     |
| Serial Number: | 10/749,040  | Examiner: | Stephen D. D'Adamo |
| Filing Date:   | 30 December 2003                                    | Art Unit: | 3636               |
| Title:         | Rotatable Safety Seatback for Recreational Vehicles |           |                    |

**REQUEST FOR CONTINUING EXAMINATION**

**and**

**AMENDMENTS**

To the Honorable Commissioner for Patents  
Mail Stop RCE  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is the second amendment to the subject application in response to the Office Action mailed on July 26, 2005. A shortened statutory response period of three months was set by the Examiner, making the response due on or before October 26, 2005.

Applicant files this response by Express Mail on August 29, 2005 with the Certification of Express Mailing shown on the signature page. Thus, this response is filed within the three month period.

In order to make certain that the response meets the requirements of the Examiner, and allow a further opportunity for correction, Applicant makes this response as a Request for Continuing Examination. Applicant includes the required cover sheet and check for Small Entity Fee.

In response to the Office Action, please amend the above-identified application, without prejudice, as follows:

## **Summary of Important Points in the Second Office Action**

### ***Information Disclosure Statement***

The Examiner stated that the "listing of references in the specification is not a proper information disclosure statement adding that under the MPEP a proper listing must be submitted in a separate paper. The Examiner stated that unless these references have been cited on form PTO-892 the references in the specification were not considered.

### ***In the Claims***

The Examiner objected to Claims 16 and 17 as being in improper form because the claims are dependent on cancelled claim 15. The Examiner understood that the claims 16 and 17 should be dependent on independent claim 14. Appropriate correction was required.

The Examiner rejected claims 1, 3, 4, 8-14, 16 and 17 under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that it was indeterminate as to whether applicant's independent claims are drawn to the apparatus per or to the combination of an apparatus and a recreational vehicle. The Examiner stated that the claims were examined on the merits of the rotatable seatback or sub combination as claimed in the independent claims.

The Examiner noted that in Claim 9 the limitation "said latch mechanism" lacked a proper antecedent.

The Examiner continued to reject claims 1, 3 and 4 under 35 U.S.C. 102(b) as being anticipated by Ware (4,313,639). The Examiner continued to reject claims 1, 3, 4 and 9 under 35 U.S.C. 102(b) as being anticipated by Mesinger (1,240,587)

In the Second Action, the Examiner newly rejected claims 1 and 8 under 35 U.S.C. 102(b) as being anticipated by Stark et al. (5,997,088).

***Allowable Subject Matter***

The Examiner stated that Claims 10-14 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as set forth in the Second Office Action. Similarly Claims 16 and 17 would be allowable if rewritten to overcome the objections set forth in the Second Office Action.